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Seventeenth session

SUMMARY RECORD OF THE 356th MEETING

Held at Headquarters, New York,
on Tuesday, 22 July 1997, at 3 p.m.

Chairperson: Ms. CASTILLO
(Vice-Chairperson)

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In the absence of Ms. Khan, Ms. Castillo, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Argentina (continued) (CEDAW/C/ARG/2 and Add.1 and 2, and CEDAW/C/ARG/3)

1. At the invitation of the Chairperson, Ms. Regazzoli and Ms. Schiavoni (Argentina) took places at the Committee table.

Article 10 (continued)

2. Ms. SCHIAVONI (Argentina) informed the Committee that in rural areas the literacy rate was 95.8 per cent for men and 82.5 per cent for women. Of the rural population, 4.7 per cent had never attended school and the percentage for women was slightly higher than that for men; however, the situation varied considerably from one province to another. Starting in 1997, the Ministry of Culture and Education was implementing a distance learning programme to enable adults to complete their primary education and to ensure that all citizens were literate. A specific programme had also been designed to improve basic education in rural areas.

3. The apparent contradiction between the summary dated February 1988 and the addendum to the second report (CEDAW/C/ARG/2/Add.2) with regard to the education system could be explained by the fact that information had been taken from different censuses.

4. The number of girls who had to repeat a school year was significantly lower than the number of boys at all levels.

Article 11

5. The Constitution, as reformed in 1994, called for the establishment of a special social security scheme for neglected children until they had completed elementary school and for mothers during pregnancy and while breastfeeding. Labour legislation prohibited women from working during the 45 days before and 45 days after giving birth. Likewise, women were prohibited from carrying out arduous, dangerous or unhealthy work.

6. In 1993, the offence of sexual harassment had been incorporated into the basic regulations of the civil service and a study on sexual harassment in the civil service had recently been completed. Measures were under way to extend legal protection throughout the public and private sectors.

7. The National Women's Council had been in contact with national women's organizations in the countries members of the Common Market of the Southern Cone (MERCOSUR) in order to develop common strategies to ensure the inclusion of

women's concerns in the MERCOSUR process. The Buenos Aires Declaration, resulting from a high-level meeting of women's organizations, recommended the establishment of a coordinating body on women's issues to prepare proposals and participate at the different institutional levels of MERCOSUR.

8. Argentina recognized the principle of equal pay for equal work although no specific measures had been adopted to enforce the principle. However, a measure had been introduced to promote employment for those with most difficulty in finding work, and women formed part of the target group.

9. A bill had recently been introduced which would regulate various aspects of domestic work and grant such benefits to domestic workers as maternity leave, retirement pensions, accident insurance and other kinds of protection.

10. Comparative statistical data on employment was unavailable as many statistics were not gender-specific. A recommendation would be made to the National Institute for Statistics and Censuses that future data should be disaggregated by sex.

11. The legislation and other measures described in the second and third periodic reports were still in effect, although the prohibition on night work by women had been eliminated as it was considered discriminatory.

12. Both maternity leave and leave to look after a sick child were granted exclusively to women. Fathers were allowed two days off for the birth of a child. Argentina had ratified the International Labour Organization's Workers with Family Responsibilities Convention, 1981, although that Convention was not yet reflected in Argentine legislation. The lack of childcare facilities had not improved.

Article 12

13. The National Women's Council was preparing a programme on Women and AIDS in conjunction with the Ministry of Health. The number of people with AIDS was increasing; in 1996, 19 per cent more cases had been reported than in the previous year. Furthermore, the number of women with AIDS was growing more rapidly than the number of men.

14. The Ministry of Health was responsible for a national teenage health programme, and the National Women's Council was carrying out a study on the incidence of teenage pregnancy. The study would make recommendations for national prevention and assistance activities. Preliminary recommendations suggested specific actions which could be taken by the media, educational establishments, health professionals and the community. The next stage would be the formulation of public policies.

Article 13

15. Women had the same access as men to bank loans, mortgages and other forms of credit as men. The National Women's Council had carried out various activities to train women in business management and had an agreement with the Department of Industry and Trade to carry out joint activities under the Global

Credit Programme for Micro- and Small Enterprises; 1,036 loans had already been granted to women under the programme.

Article 14

16. Since 1989 the Government had been implementing a training project for rural women in the north-western part of the country, and the women now formed part of the national Rural Women's Network. An interdisciplinary team of professionals specialized in gender issues had been integrated into the Department of Agriculture, Fisheries and Food, and women's needs were taken into consideration in the decision-making of the Department's Agricultural Planning and Development Directorate.

17. Furthermore, rural women received loans under a special loans and technical assistance programme for small farmers in north-eastern Argentina.

Article 15

18. Women had equal access to legal services; however, they seldom had the means to pay for them.

19. The changes in Act No. 23,515 which abolished the restrictions on women in regard to the joint choice of the conjugal home had had a positive impact. In some cases a woman was allowed to continue using her husband's name after a marriage broke down.

Article 16

20. Women had the right to decide how many children they had and the spacing between them. However, there were disparities in the information and counselling services available as, owing to the decentralization of health care, such programmes were implemented at the municipal and provincial level.

21. There was no office for the protection of minors in Argentina; however, the Council for Minors and the Family was responsible for assisting single mothers.

22. Women and men had equal rights within marriage and after its dissolution. The ownership of property was always demonstrable, and each spouse administered his or her property independently. The spouse awarded custody of the children had the right to use the conjugal home, but not to ownership. Other acquired property could be liquidated.

23. Couples who cohabited did not have the same rights as legally married couples, and there were no legal provisions regarding their property; however, relevant legislation was under discussion.

24. By law, mothers were given custody of children under the age of five and, in general, mothers were given custody of minors unless the father contested the decision. Judicial decisions were reached on a case-by-case basis, in the best interest of the child.

25. There had been progress in reforming the Civil Code, and there was now a specific provision that marital property should be assigned to both spouses in equal parts.

26. Dispensation for under-age marriage could be granted by a judge in special circumstances, pregnancy being the most usual reason.

27. Ms. REGAZZOLI (Argentina) said that the national ad hoc committee set up to follow up on commitments made as a result of the Beijing Platform for Action, had identified various priority areas for action in the different regions of the country.

28. The area of women and poverty had been chosen as a national priority in order to identify strategies to promote improved opportunities for women as well as access to appropriate employment, land, technology and capital. Education and training had been identified as crucial elements in the elimination of women's poverty and the Ministry of Education had undertaken a series of programmes to prioritize all levels of education, with grants to the most needy families.

29. If adequate funding could be obtained from public and private sources, an electronic network for the prevention of domestic violence would be established as well as centres for attending the victims of violence.

30. Ms. SCHIAVONI (Argentina) said that legislation had been proposed to establish a national register of persons in arrears in the payment maintenance.

31. Lastly, she said that the Committee's remaining questions would be answered in the next report.

32. Ms. GONZALEZ commended the way in which the Argentine Government had established national agencies to deal with women's issues, in particular the Directorate-General for Human and Women's Rights, which had enabled Argentina to participate in all international and regional forums for the advancement of women. She noted that, under article 75, paragraph 23, of the Constitution, women were still considered a vulnerable group, along with children, the elderly and disabled persons, and she suggested that the end of the last sentence of paragraph 23 should be amended to read "particularly the rights of children, the elderly and disabled persons of both sexes", since that would cover women of all ages but would not imply that all women were vulnerable.

33. Ms. JAVATE DE DIOS said that the fact that the highest possible legal status had been given to all international treaties and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, was indicative of the high priority that Argentina attached to the advancement of women and the promotion of human rights in general. The passage of the Equal Opportunity Plan for Women should help strengthen mechanisms for the advancement of women in Argentina. She was impressed that the Supreme Court had upheld the Quotas Act and had allowed it to be implemented. That precedent-setting ruling had international implications and would no doubt be cited by members of the Committee in support of affirmative action for women.

34. She understood that Argentina had undertaken a comprehensive review of the Penal Code, and she looked forward to changes that would make the Argentine Constitution even more consistent with the Convention. She commended the Government of Argentina for its decisive steps to prevent violence against women, in particular its adoption of Act No. 24,417 and the many programmes and projects to promote awareness of the problem of domestic violence. She suggested that Argentina should look into the Committee's general recommendation No. 19 on violence against women, and she hoped that Argentina would continue its efforts to deal with that problem, in particular by providing gender-sensitization training to the judiciary and law-enforcement agencies.

35. Ms. HARTONO wished to know in which cases international treaties did not have the status of supreme law in Argentina. She requested information on how the Quotas Act had been drafted and adopted. She had not noted any improvements in public life with respect to gender sensitivity. Argentina had not provided any statistics or background information on how it had managed to carry out changes that improved the status of women, and she hoped that it would follow the Committee's guidelines more closely when preparing its fourth periodic report.

36. Ms. ABAKA said that the global trend towards privatization had resulted in job losses and cuts in the social sector, which adversely affected women. She inquired whether privatization was also having the same repercussions in Argentina, and whether men and women were equally affected.

37. Ms. BUSTELO GARCÍA DEL REAL wished to know whether any equal opportunity plan for women was currently in force. In its next report, Argentina should provide a rigorous assessment of its equality plans and programmes in order to enable the Committee to evaluate the progress that had been achieved. She hoped that, in its next report, Argentina would indicate whether the appeal of amparo had been invoked by any group, including women.

38. Ms. FERRER wished to know whether the Quotas Act would apply to the senatorial elections to be held in Argentina in 1998. The Argentine delegation should inform the Committee whether there was any parliamentary commission that dealt exclusively with women's issues. She inquired whether the National Women's Council had provided any training or conducted any awareness campaign on gender issues among women parliamentarians, senators, mayors, councillors and other female government officials in order to enable them, in addition to performing their elected functions, to work towards the eradication of all forms of discrimination against women. She wished to know why six provinces had still not applied the Quotas Act, and she requested information on what measures the National Women's Council was taking to ensure that a greater number of women were appointed to high-level decision-making posts at the federal and local levels.

39. Ms. GONZALEZ wished to know whether in Argentina domestic violence was characterized as a crime or merely as a civil misdemeanour, and how such violence was punished. She inquired whether the National Women's Council had considered conducting campaigns to promote public awareness of the seriousness of domestic violence against women and of its social, political and economic implications.

40. Ms. LIN Shangzhen wished to know why six provinces had not implemented the Quotas Act, and she wondered whether provinces had their own legislation that could override federal legislation.

41. Ms. JAVATE DE DIOS said that the second and third periodic reports did not contain sufficient data, particularly statistics, on prostitution. According to the second periodic report, a commission had been set up to undertake a comprehensive study of prostitution, and she wished to know what the results of that study had been and what measures the Government was taking to combat prostitution and help prostitutes find alternative employment. She was alarmed at the traffic in women from Latin America to Europe and the "selling" of women on line through the Internet.

Article 7

42. Ms. AOUIJ wished to know why six provinces had not implemented the Quotas Act and inquired whether legislation had to be adopted at the provincial level in order to implement the Act in a given province.

43. Ms. GONZALEZ requested further information on actions taken by political parties and organizations following passage of the Quotas Act, on the extent to which passage of the Act had resulted in greater participation of women in the national legislature, and on how political parties and organizations had reacted to that participation.

Article 8

44. Ms. JAVATE DE DIOS, noting that fewer women were employed at higher levels of the foreign service, requested information on Government measures to encourage women to enter that service, and on how the Government promoted gender sensitivity and awareness of the Convention among diplomatic personnel.

Article 10

45. Ms. Yung Chung KIM asked if specific incentives existed for women students to choose non-traditional fields of specialization, and also requested information on the availability of subsidies or scholarships to women for that purpose, the means of support of women to whom such subsidies were not available, current job opportunities for women graduates as compared to their male counterparts, and the ratio of female to male professors in the federal capital and in the provinces.

46. Ms. LIN Shangzhen asked the Argentine representatives to explain the remarkably high proportion of female students at the college level. She also noted with interest the broad mandate of the permanent Bicameral Commission on the Elimination of All Forms of Discrimination against Women, and asked how many women sat on the Commission and what work it had undertaken to date.

47. Ms. JAVATE DE DIOS asked what core messages had been promoted by the recent massive campaign to sensitize educators to gender issues, which educators had been targeted by the campaign, and what measures the Government was taking to assess the impact of the many changes taking place in the educational system.

She also asked for more information on the network of provincial focal points for women, and on the impact of remote or long-distance education on the training and employment of women in the provinces.

Article 11

48. Ms. FERRER asked to what extent the vocational training programmes undertaken as part of the Restructuring Support Programme had improved women's employment status, and whether such programmes attempted to encourage women to seek non-traditional jobs. She asked what family support services had been created in response to the decline in job participation of women over age 25 in the provinces, what measures were being taken to ensure the application of the principle of equal pay for equal work in the public and private sectors, how privatization had affected women's employment in general, and what programmes existed to assist the growing number of households headed by single women. She also asked for information regarding initiatives or draft legislation on retirement benefits for housewives.

49. Ms. KHAN asked about the extent to which current labour laws and affirmative action measures for women covered the informal sector, what employment opportunities or affirmative action programmes existed for women in that sector, and whether the vocational training programmes available to women had eliminated stereotypical job categories. She also asked for more information on the degree of gender segregation existing in the job market, and whether job advertisements were themselves segregated by sex. She noted the evident reluctance of many educated women to enter the labour market owing to the likelihood of their encountering discrimination, and asked for more information on how that problem was being addressed. She recommended that the Government should review general recommendation No. 13 and undertake a survey of women's attitudes to the informal labour market.

50. Ms. BARE asked whether the under-representation of women at higher managerial levels in the Government and the private sector was due to job segregation or to the persistence of gender stereotyping, what affirmative actions could be undertaken to assure women's upward mobility, and what measures could be taken to provide equal employment opportunities for young women.

51. Ms. GONZALEZ asked how the Government intended to provide funding to support the draft legislation protecting women in the informal sector, and what employers' obligations would be regarding social security and other benefits for household employees. She also requested an explanation of references in the third periodic report to partially adopted legislation.

52. Ms. BUSTELO GARCÍA DEL REAL requested that future reports should provide gender-disaggregated and periodic data with regard to article 11. She also asked what social security or other labour benefits accrued to women working in companies owned by their husbands or fathers, and how men and women shared tasks and chores in public and private life.

Article 12

53. The CHAIRPERSON asked if the Government intended to review its policy of permitting sterilization of women only with the express consent of their husbands or partners and only in life-threatening situations, and if not, what its reasons were to continue to permit that legal obstacle to the exercise of women's reproductive rights.

Article 14

54. Ms. OUEDRAOGO welcomed the progress which Argentina had made in implementing the Convention, particularly in the fields of health and education, and commended the State party for the very positive legislative reforms it had introduced.

55. With respect to article 14, she felt that the reports had not provided adequate information concerning the situation of rural women. Statistics would be useful to indicate the scope of the "feminization" of agriculture. The lack of health, family planning and sex education centres for rural women was a cause for serious concern, and she wished to know whether a family planning and sex education programme would be introduced in the near future.

56. She inquired whether a global policy concerning rural women was envisaged which took into account the need to decrease their burden of domestic chores, promote opportunities for women to engage in income-generating activities and provide them with increased access to credit. Lastly, she had hoped that the third report would have provided an analysis of the impact of the new policy for integrating rural women into production and she looked forward to its inclusion in the next report.

57. Ms. FERRER said that she endorsed the views expressed by Ms. Ouedraogo.

58. Ms. REGAZZOLI (Argentina) said that the National Women's Council had reached an agreement with the National Institute for Statistics and Censuses which would enable her Government to provide gender-disaggregated data in its next report, along with a detailed analysis of the impact of measures taken to mainstream the gender perspective.

59. Ms. SCHIAVONI (Argentina) said that the Government was continuing to urge provinces which had not yet adopted the Quotas Act to do so. Some provinces would have to alter their system of political representation in order to be in compliance with the Quotas Act, while in others it was simply a matter of avoiding measures which were discriminatory and adopting anti-discriminatory measures.

60. Ms. REGAZZOLI (Argentina) recalled the history of the adoption of the Quotas Act and pointed out that its Regulatory Decree was of the utmost importance, since it stipulated the specific quotas which must be honoured by political parties depending on the number of seats available. In the City of Buenos Aires, the three top offices currently were occupied by women from three different political parties, which was evidence that Argentine society and political parties recognized that the increased participation of women in

decision-making was essential for democracy and the consolidation of social justice.

61. Ms. SCHIAVONI (Argentina) explained that a bill in the legislature which had been "partially adopted" was one which had been adopted by one legislative chamber and was awaiting action by the other chamber.

62. She assured the Committee that considerable progress had been made in incorporating gender perspectives in training and education programmes, given the deeply held belief in the importance of that perspective for the analysis of progress in all the sciences.

63. The CHAIRPERSON said that all the positive measures introduced to enhance the status of Argentine women demonstrated the State party's firm political will to incorporate gender perspectives in the country's development process. Nevertheless, information provided by Argentine non-governmental organizations gave cause for concern. The feminization of poverty and the problems women faced finding gainful employment were painful examples of the impact of macroeconomic decisions taken by the Government to control inflation and establish a new economic order.

64. Further information was needed concerning the health needs of women and on prostitution and traffic in women. She was alarmed that abortion and obstetrical complications were the principal cause of death among Argentine women.

65. She urged the State party to address matters relating to all aspects of women's health as well as to their access to employment, problems of unemployment and underemployment and the feminization of poverty with the same determination and political will with which it had tackled other women's issues.

The meeting rose at 5.45 p.m.